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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,983	08/31/2000	David A. Gasper	9040.00	3081

26889 7590 08/01/2005

MICHAEL CHAN
NCR CORPORATION
1700 SOUTH PATTERSON BLVD
DAYTON, OH 45479-0001

EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/651,983

Applicant(s)

GASPER ET AL.

Examiner

Frantzy Poinvil

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Clark et al. (US Patent No. 6,378,770).

Applicant's representative argues that in the system of Clark et al., where it is stated that "An updated ATM status report based on the input data is sent to the host computer in step 138...", suggests the input data indicating the type and the number of bills replenished are inputted by an operator whereas in their claimed invention, such is generated "without using communications from parties performing the replenishment" and argues that Clark et al do not teach their claimed invention.

In response, step (d) of claim 1 recites "using the replenishment signals, and without using communications from parties performing the replenishment, preparing one, or more, reports concerning the ATMs replenished". This claimed limitation is directed to the preparation of one, or more reports, concerning at least one replenished ATM using received replenishment signals. This claimed limitation is emphasizing on

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who or what party or entity is preparing the one or more report. In order to prepare the one or more report, replenishment signals must be present. The applicant's step (d) of claim 1 does not recite how the replenishment signals are received and who or what entity or where the one, or more, reports concerning the ATMs being replenished are being prepared. The claim merely recites in preparing the one, or more, reports concerning the ATMs replenished, communications from parties performing the replenishment are not involved.

In the system of Clark et al, "the one, or more, reports concerning the ATMs replenished" are generated at the ATM or at the central computer wherein further communications from parties performing the replenishment are not necessary after the replenishment signals are received at the central computer from the replenished ATMs.

Applicant's step (c) of claim 1 recites:

"receiving replenishment signals from the replenished ATMs ". Who, or what entity or what party is receiving the replenishment signals from the replenished ATMs are unclear and are not recited in the claims. Furthermore, the claim does not recite without using the replenishment signals from parties performing the replenishment, preparing one, or more reports concerning the ATMs replenished as applicant is arguing. The claim recites without receiving communications from parties performing the replenishment, preparing one, or more, reports concerning the ATMs replenished. Thus, this claimed limitation is met whether the replenishment signal is received from the ATMs or from an operator replenishing the ATMs.

Clark et al positively recite that an "operator is requested to input data concerning the full cassettes 40 to be inserted in the ATM, [the full cassettes imply cassettes loaded with bank notes of at least the same or different denomination] including a cassette identification code and the amount and denomination of the currency notes contained in the cassette before access to the cassette compartments 42 of the ATM is allowed. This data is input by the operator via the key pad 27 of the operator panel 26 in step 136 and is stored in the memory 34 of the ATM 10". Based on this passage of Clark et al, the claimed step of "causing replenishment of currency in low-stocked ATMs to occur" is met. The replenishment signals are used in creating the report. The replenishment signals are taught in Clark et al where it is stated that "The balance of notes in each cassette 450 can therefore be updated during subsequent transactions involving from that particular cassette 40", and that "An updated ATM STATUS REPORT based on the input data is sent to the host computer in step 138". The phrase "based on the input data" does not imply only the input data. Also, while the report is generated, communications from any parties are not considered or do not take place. See column, lines 40-53 of Clark et al.

Clark et al also teach on column 7, lines 6-19 of an automatic identification of low-stocked ATMs which require replenishment of currency and that replenishment is done as stated on column s 5 and 6. Clark et al further state that during a replenishment session or option, "the ATM controller unit 30 sends an ATM STATUS REPORT to a host computer and a copy may be printed out for the operator...". Thus, the operator does not create the status report. The status report is generated or

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prepared for the operator. Similarly, the report which is based on the input data is generated for the operator, not by the operator. The input data is not the replenishment signal but the balance of notes stored in memory is. The balance of each note involves the balance of each full cassette and the balance of each cassette present before access to the cassette compartments 42 of the ATM is allowed since Clark et al teach that notes are automatically transferred from one storage to another storage compartment so that an operator may load a fully loaded compartment (column 5, lines 12-24) to avoid the operator from carrying or taken out cassettes or storage compartments having a substantial amount of currency (column 6, line 60 to column 7, line 7) for security purposes. Recordation of the automatic transfer of notes is performed by a processor. See column 6, lines 32-40 of Clark et al. These balance notes are stored and received from memory for the preparation of the status report for later transmission to the host computer. Column 6, lines 40-53 of Clark et al.

As per claim 2, each replenishment signal is generated by computer within an ATM. See columns 5 and 6 of Clark et al.

As per claim 3, the replenishment signals indicate contact with an ATM by a party other than a customer in the normal course of business. See also columns 5 and 6 of Clark et al.

As per claim 10, Clark et al teach the identifying process of paragraph (a) is performed by a system remote from the ATMs without the presence of a human at the ATMs. See column 7, lines 7-18 of Clark et al.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 4, applicant's representative argues that Clark et al fails to teach or suggest "wherein entry into an ATM by a burglar causes a replenishment signal to occur".

In response, As per claim 4, the teachings of Clark et al are discussed above. Clark et al do not explicitly teach an entry into an ATM by a burglar causes a replenishment signal to occur. As per this limitation, the Examiner notes that an entry into an ATM by a burglar would mostly likely be a theft causing funds or currency to be reduced. Clark et al teach means or step for detecting a low-level condition of empty cassettes that usually contains currency. Clark et al also teach re-stocking low-stocked ATMS. It would have been obvious to one of ordinary skill in the art at the time of the invention to note that an entry into an ATM by a burglar would cause a replenishment

signal to occur because the ATM would be in a low-stocked status which would therefore trigger a low-stock signal to occur so as to inform an operator or the remote computer of a need to re-stock the related ATM.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (US Patent No. 5,945,602) in view of Clark et al. (US Patent No. 6,378,770).

As per claim 5, applicant's representative argues that Ross only shows a single ATM and then concludes that Ross does not teach a network of ATMs.

As per claim 5, Ross discloses a system for managing the operation of a network of ATMS. See the abstract. Each ATM includes a plurality of sensors for maintaining a security of the ATM. The sensor detects a wide range of malfunctions and/or abnormalities (see column 8, lines 5-8). The Ns and break-ins are well known activities that occur in ATM's. Using these sensors for detecting an entity and issuing an entry signal in response would have been obvious to do in the system of Ross because Ross uses a variety of sensors for detecting abnormal types of operations and send a signal to a remote computer which would then notifies the police.

Ross does not explicitly teach scheduling replenishment of a group of ATMS during a time period. The Examiner asserts that most ATMs dispensing cash to customers should routinely be replenished. See column 7, line 49 to column 8, line 4. If there exists a plurality of ATMS, then scheduling for a replenishment of a group of ATMS during a time period would have been obvious to one of ordinary skill in the art

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thereby maintaining a priority for the ATMs having less funds or ATM'S which are more depleted, and also to avoid conflicts in the replenishment of the one or more ATMS.

Designating the corresponding ATMS as having been replenished in currency is not explicitly taught by Ross. Clark et al disclose a system and method for replenishing an ATM. The system comprises replenishing an ATM and designating the corresponding ATM as having been replenished in currency. See column 6, lines 40-53 of Clark et al. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings Clark et al into Ross in order to provide the status or accurate report of a replenished ATM so that unnecessary trips to replenish an already replenished ATM are not made.

Ross's only showing of a single ATM is for an illustration purpose. Furthermore, it is well known in the art that banks usually consist of a plurality of ATMs connected through a network and a central computer. Applicant's argument that Ross is directed to a single ATM is not convincing and would not be financially advantageous to the owners of the system of Ross.

Applicant's various arguments of the locations of a plurality of ATMs are not convincing since banks usually own a plurality of ATMs located at various locations. These ATMs include various sensors for detecting illegal activities.

4. Claims 6, 7 9 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770) in view of Ross (US Patent No. 5,945,602) as found in the prior Office action.

As per claims 6, 7 and 9 the applicant's representative provides various scenarios and concludes that Ross or Clark et al taken alone or in combination failed to teach or suggest the limitations of claims 6, 7 and 9.

In response, applicant is directed to the prior Office action and the above noted response regarding Clark et al as applicant's arguments are not convincing.

5. Claims 8 and 11 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US Patent No. 6,378,770).

As per claim 8, applicant is directed to the prior Office action. Applicant provides various scenarios having no bearing on the claimed invention. Thus, these related arguments are not convincing.

As per claim 11, the report is generated after the signals are received. See column 6, lines 40-53 of Clark et al.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Frantzy Poinvil
Primary Examiner
Art Unit 3628

FP
July 12, 2005